

第 113/2015 號行政長官公告

按照中央人民政府的命令，行政長官根據第3/1999號法律《法規的公佈與格式》第六條第一款的規定，命令公佈聯合國安全理事會於二零一五年三月三日通過的關於秘書長關於蘇丹和南蘇丹的報告的第2206（2015）號決議的中文及英文正式文本。

二零一五年七月十五日發佈。

行政長官 崔世安

Aviso do Chefe do Executivo n.º 113/2015

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), por ordem do Governo Popular Central, a Resolução n.º 2206 (2015), adoptada pelo Conselho de Segurança das Nações Unidas em 3 de Março de 2015, relativa aos relatórios do Secretário-Geral sobre o Sudão e o Sudão do Sul, nos seus textos autênticos em línguas chinesa e inglesa.

Promulgado em 15 de Julho de 2015.

O Chefe do Executivo, *Chui Sai On*.

第 2206 (2015) 號決議

安全理事會 2015 年 3 月 3 日第 7396 次會議通過

安全理事會，

回顧其以往關於南蘇丹的各項決議和聲明，尤其是第 2057 (2012)、第 2109 (2013)、第 2132 (2013)、第 2155 (2014) 和第 2187 (2014) 號決議，

表示嚴重憂慮和關切 2013 年 12 月以來南蘇丹共和國政府和反對派之間因該國政治和軍事領導人之間國內政治爭端而產生的衝突，

深為關切這場衝突造成極大的人類痛苦，包括重大生命損失，200 萬人流離失所，財產損失，使南蘇丹人民處於更加貧困和不利的境地，

強烈譴責過去發生和正在發生的侵犯和踐踏人權及違反國際人道主義法行為，包括所有各方（包括武裝團體和國家安全部隊）的有針對性殺害平民、針對族裔的暴力、法外處決、強姦和其他形式性暴力和性別暴力、在武裝衝突中招募和使用兒童、綁架、強迫失蹤、任意逮捕和羈押、在平民中散佈恐怖的暴力和襲擊學校、宗教場所和醫院及聯合國人員和聯合國有關維和人員和物體的行為，以及煽動這些侵權違法行動的行為，還譴責騷擾民間社會、人道主義人員和記者和針對其採取行動的行為，強調必須追究應對違反國際人道主義法和侵犯踐踏人權行為負責者的責任，並強調南蘇丹政府負有保護民眾不受滅絕種族罪、戰爭罪、族裔清洗和危害人類罪侵害的首要責任，

表示深為關切有大量流離失所者，人道主義危機不斷惡化，**強調**衝突所有各方都對南蘇丹人民遭受的痛苦負有責任，**強調**需確保民眾的基本需求得到滿足，讚揚聯合國人道主義機構和夥伴努力迅速協調一致地為民眾提供支助，**促請**衝突所有各方根據國際法有關條款和聯合國人道主義援助指導原則，允許和便利救濟人員、設備和用品全面、安全、不受阻礙地到達所有需要援助的人所在地方，及時送交人道主義援助，特別是送交給境內流離失所者和難民，**譴責**所有對人道主義人員和設施的襲擊，**回顧**襲擊人道主義人員和剝奪民眾賴以生存的物品可能構成違反國際人道主義法行為，

讚揚政府間發展管理局（伊加特）部長級小組在聯合國和非洲聯盟支持下提出的設立一個政治和安全對話論壇的倡議，**期待**所有各方參加這一進程和尊重伊加特國家元首和政府首腦大會 2014 年 3 月 13 日的決定，

歡迎伊加特調解下達成的解決南蘇丹危機的承諾，即 2014 年 1 月 23 日《停止敵對行動協定》、2014 年 5 月 9 日《解決南蘇丹危機協議》和 2015 年 2 月 1 日“關於在南蘇丹共和國建立過渡民族團結政府的共同點”文件，

歡迎在 2014 年 6 月 10 日和 2014 年 8 月 25 日伊加特國家元首和政府首腦大會公報中表示的決心，即伊加特成員國將採取進一步的集體行動，包括通過強制實施懲罰性措施，對迄今未能履行承諾或違背首腦大會公報行事的任何一方施加壓力，

歡迎非洲聯盟和平與安全理事會（非盟和平與安全理事會）2014年6月12日公報，其中除其他外，重申非盟和平與安全理事會願在伊加特建議下，對繼續妨礙尋求解決衝突辦法和未能履行承諾的任何一方立即採取定向制裁措施和其他措施，

還歡迎非盟和平與安全理事會2014年9月17日公報，其中除其他外，重申決心與伊加特協調，對未能履行承諾和繼續妨礙尋求通過談判解決當前危機的辦法的任何一方採取必要措施，

強烈譴責南蘇丹共和國政府和蘇丹人民解放運動（蘇人解）反對派未能達成協議在2014年6月10日第26號公報概述的60天期間組成過渡政府，

表示注意到2014年8月25日在亞的斯亞貝巴舉行的伊加特國家元首和政府首腦大會第27次特別會議的公報，其中除其他外，痛惜發生了許多違反雙方迄今簽署的各項協定的行為，重申有必要以包容各方和基礎廣泛的辦法進行談判；表示嚴重關切南蘇丹不斷惡化的人道主義局勢；呼籲各利益攸關方談判達成一項在45天內建立民族團結過渡政府的協定，

表示注意到2014年11月7日在亞的斯亞貝巴舉行的伊加特國家元首和政府首腦大會第28次特別會議的公報，其中除其他外，決心使南蘇丹政府和反對派致力於無條件、全面和立即停止所有敵對行動；請伊加特區域各國採取集體行動，在區域內實施資產凍結和旅行禁令，並拒絕供應可用於戰爭的武器和彈藥或任何其他軍用物資，如果南蘇丹政府和反對派實施任何違反停止敵對行動的舉動；呼籲非盟和平與安全理事會、聯合國安全理事會和國際社會在有必要實施這些措施時為這些措施的實施提供一切可能的協助，

表示注意到 2015 年 1 月 21 日在坦桑尼亞聯合共和國政府主持下達成的《統一蘇丹人民解放運動協定》和 2015 年 2 月 16 日蘇丹人民解放運動三方委員會會議關於《統一蘇丹人民解放運動阿魯沙協定》第一階段執行問題的公報，

表示注意到非盟和平與安全理事會 2014 年 12 月 5 日和 2015 年 1 月 29 日的公報，其中除其他外，強調將對繼續阻礙政治進程和破壞 2014 年 1 月 23 日《停止敵對行動協定》的所有各方實施制裁，

歡迎南蘇丹共和國政府和蘇丹人民解放運動/解放軍反對派的代表在 1 月 12 日在喀土穆舉行的支持伊加特主導的南蘇丹和平進程特別磋商期間商定了由中國調解的五點計劃，即：（一）真誠地致力於充分執行所有已簽署的協定；（二）加快談判步伐以儘早組建過渡政府；（三）採取具體步驟，緩解受衝突影響地區的人道主義局勢，便利國際人道主義援助的通行；（四）確保在南蘇丹開展活動的所有國家和國際實體的所有人員和資產的安全；（五）對伊加特主導的調解努力提供有力的支持和積極參與，並在這方面**強烈敦促**雙方立即實施“五點計劃”，

表示深切感謝聯合國南蘇丹特派團（南蘇丹特派團）維和人員及部隊和警察派遣國採取行動，保護受到人身暴力威脅的平民，包括外國國民，穩定安全局勢，

認識到必須獨立和公開地監測、調查和報告人權狀況，這有利於為在南蘇丹所有社區實現問責、和解及癒合奠定基礎，

感興趣地注意到南蘇丹特派團 2014 年 2 月 21 日人權情況臨時報告和 2014 年 5 月 8 日“南蘇丹衝突：人權情況報告”，以及南蘇丹特派團 2014 年 12 月 19 日“特別報告：2014 年 10 月 29 日對團結州本提烏的襲擊”、2014 年 10 月 29 日“特別報告：對團結州本提烏的襲擊”和 2015 年 1 月 9 日關於“對本提烏和博爾平民的襲擊”的報告，

表示嚴重關切的是，根據南蘇丹特派團 2014 年 5 月 8 日“南蘇丹衝突：人權情況報告”，有合理的理由認為政府和反對派均犯下了危害人類罪行，包括法外處決、強姦和其他性暴力行為、強迫失蹤和任意拘留，還犯下了戰爭罪，**強調**迫切亟需在南蘇丹消除有罪不罰現象，將犯下此類罪行者繩之以法，

強調問責、和解及癒合必須是過渡議程中的突出要素，同時注意到國際調查和酌情起訴可在追究戰爭罪和危害人類罪責任者的責任方面發揮重要作用，

肯定非洲聯盟調查委員會調查和記錄南蘇丹境內侵犯和踐踏國際人權法和國際人道主義法行為的工作，**感興趣地期待**其結論和建議，**鼓勵**儘快公開發佈其最後報告，並歡迎非洲聯盟進一步參與，以確保在南蘇丹實現正義和問責以及癒合與和解，

強烈譴責利用媒體傳播仇恨言論和傳輸挑動對某一族裔實施性暴力的信息，因為這可能產生重大影響，促成大規模暴力和加劇衝突，**促請**南蘇丹共和國政府採取適當措施應對此類活動，**還敦促**所有各方不採取這些行動，而是幫助促進和平及社區間和解，

認識到南蘇丹民間社會組織、宗教領袖、婦女和青年發揮的重要作用，**強調**必須讓他們以及前蘇人解的被拘留者和其他政黨參與尋找可持續解決該國危機的辦法，**關切地注意到**該國政府力圖限制這種參與，包括為此而阻礙個人前往參加會談和增加對言論自由的限制，

重申安理會關於婦女、和平與安全、關於兒童與武裝衝突和關於武裝衝突中保護平民的各項相關決議，以及關於保護人道主義人員和聯合國人員的第 1502（2003）號決議、關於防止和打擊滅絕種族罪的第 2150（2014）號決議和關於安全部門改革的第 2151（2014）號決議，

回顧第 1209（1998）和第 2117（2013）號決議，**表示嚴重關切**小武器和輕武器的非法轉讓、不利於穩定的累積和不當使用對南蘇丹和平與安全構成的威脅，**強調**必須加大力度，打擊此類武器的非法流通，

表示深為關切南蘇丹特派團通行和行動持續受到限制，**強烈譴責**政府和反對派及其他團體攻擊聯合國和伊加特的人員和設施、拘留和劫持聯合國人員和聯合國有關人員，**呼籲**南蘇丹政府迅速徹底地完成對這些攻擊事件的調查並追究責任，

認定南蘇丹局勢繼續對該區域國際和平與安全構成威脅，

根據《聯合國憲章》第七章第四十一條**採取行動**，

1. **認可**南蘇丹共和國政府和蘇丹人民解放運動反對派在 2014 年 1 月 23 日、2014 年 5 月 6 日和 2014 年 5 月 9 日接受和簽署的各項《停止敵對行動協定》；

2. **表示深為關切**雙方迄今未能履行承諾，切實參與和平進程以期政治解決危機，結束暴力，**尤其譴責**伊加特監測和核查機制所記錄的繼續和公然違反各項《停止敵對行動協定》的行為；

3. **要求**各方尊重《停止敵對行動協定》的所有方面，根據 2014 年 5 月 9 日協定和其他有關協定立即採取必要的方法，包括逐步撤出 2013 年 12 月 15 日以來部署在南蘇丹的外國部隊，**籲請**南蘇丹武裝衝突所有各方明確下令禁止所有違反國際人道主義法和侵犯踐踏人權行為，**強調**所有各方需確保人道主義機構能立即通行，**並要求**各方致力於找到一項全面協議而不再進一步拖延；

4. **重申**衝突不可能有軍事解決辦法；

制裁指認標準

5. **強調**安理會願意實施定向制裁，以支持謀求在南蘇丹實現包容和可持續的和平；

6. **決定**，第 9 和第 12 段的規定應適用於本決議第 16 段所設委員會（“委員會”）分別根據第 16（c）和 16（d）段指認的因直接或間接負責、合謀或參與威脅到南蘇丹和平、安全或穩定的行動或政策而需對其採取此類措施的個人及個人和實體；

7. **特別強調**上文第 6 段所述的行為或政策可包括但不限於：

（a）旨在或實際上擴大或延伸南蘇丹衝突或阻礙和解與和平談判或進程，包括違反《停止敵對行動協定》的行動或政策；

（b）威脅到過渡協議或破壞南蘇丹政治進程的行動或政策；

(c) 在南蘇丹籌劃、指揮或實施違反有關的國際人權法或國際人道主義法的行為或踐踏人權的行為；

(d) 以平民包括婦女和兒童為目標，實施暴力行為（包括殺害、殘害、酷刑、強姦或其他性暴力行為）、綁架、強迫失蹤、被迫流離失所，或是襲擊學校、醫院、宗教場所或是平民尋求避難的地點，或實施嚴重踐踏或侵犯人權或違反國際人道主義法的行為；

(e) 武裝團體或武裝部隊在南蘇丹武裝衝突中使用或招募兒童；

(f) 阻撓國際維持和平、外交或人道主義特派團在南蘇丹開展活動，包括伊加特監測和核查機制，或阻擾人道主義援助的交付、分發或通行；

(g) 襲擊聯合國特派團、國際安全人員或機構或其他維和行動或人道主義人員；

(h) 直接或間接代表或為委員會所指認的某一個人或實體行事；

8. **決定**，第 9 和第 12 段的規定應適用於委員會指認的屬於參與或其成員參與上文第 6 和第 7 段所述之任何活動的任何實體、包括任何南蘇丹政府、反對派、民兵或其他團體的領導人而需對其採取此類措施的個人；

旅行禁令

9. **決定**，初期以本決議通過之日起一年為期，所有會員國應採取必要措施，防止委員會可能指認的個人在本國入境或過境，但本段的規定並不要求一國拒絕本國國民入境；

10. **指出**，被指認的個人可能有多重國籍或護照，**表示關切**被指認個人的國籍國或護照簽發國的兩個國家之間的旅行可能有損第 9 段規定的旅行禁令之目的，**請**本決議第 18 段所設專家小組（“專家小組”）向委員會報告此類旅行的信息；

11. **決定**，上文第 9 段規定的措施不適用於以下情況：

（a）經委員會逐案審查認定，出於人道主義需要，包括為履行宗教義務，此類旅行是合理的；

（b）為履行司法程序需要入境或過境；

（c）經委員會逐案審查認定，給予豁免會有助於推進在南蘇丹實現和平與民族和解以及在該區域實現穩定的目標；

資產凍結

12. **決定**，初期以本決議通過之日起一年為期，所有會員國應毫不拖延地凍結本國領土內由委員會指認的任何個人或實體、或代表此類個人或實體或根據他們指示行事的任何個人或實體、或他們所擁有或控制的實體直接或間接擁有或控制的所有資金、其他金融資產和經濟資源，**還決定**所有會員國應在這一初期階段確保沒有本國國民或在本國境內的人直接或間接為這些人的利益而提供此種或任何其他資金、金融資產和經濟資源；

13. **決定**，上文第 12 段規定的措施不適用於被相關會員國認定為屬以下情況的資金、其他金融資產和經濟資源：

(a) 為基本開支所必需，包括用於支付食品、房租或抵押貸款、藥品和醫療、稅款、保險費及公用事業費，或完全用於支付與按國家法律規定提供法律服務有關的合理專業服務費和償付由此引起的相關費用，或國家法律規定的為慣常置存或保管凍結資金、其他金融資產和經濟資源所應收取的規費或服務費，但相關國家須先把酌情授權動用這類資金、其他金融資產和經濟資源的意向通知委員會，且委員會在接到此通知後五個工作日內未作出反對的決定；

(b) 為非常開支所必需，但前提是相關國家或會員國已將這一認定通知委員會並已獲得委員會批准；

(c) 屬於司法、行政或仲裁留置或裁決之標的，如屬此種情況，則這些資金、其他金融資產和經濟資源可用於執行留置或裁決，但該項留置或裁決須在本決議通過之日前已作出，受益者不是委員會指認的人員或實體，且相關國家或會員國已就此通知委員會；

14. **決定**，會員國可允許在已依照上文第 12 段規定凍結的帳戶中存入這些帳戶的利息或其他收益，或根據這些帳戶受本決議各項規定制約之前訂立的合同、協定或義務應該收取的付款，但任何此種利息、其他收益和付款仍須受這些規定的制約並予以凍結；

15. **決定**，上文第 12 段中的措施不應妨礙被指認的個人根據他們在被列名前簽訂的合同支付應付款項，前提是相關國家已認定該項付款不是直接或間接付給根據上文第 12 段指認的個人，且相關國家已在批准前提前十個工作日，把進行支付或接受付款或酌情為此目的批准解凍資金、其他金融資產或經濟資源的意向通知了委員會；

制裁委員會/專家小組

16. 決定根據安理會暫定議事規則第 28 條設立一個由安理會全體成員組成的安全理事會委員會（下稱“委員會”），開展以下工作：

（a） 監測本決議第 9 和 12 段所定措施的執行情況，以期加強、促進和改進會員國對這些措施的執行；

（b） 尋找和審查可能從事上文第 6 和 7 段所述行為的個人和實體的相關信息；

（c） 指認受上文第 9 段規定措施約束的個人，審議根據上文第 11 段提出的豁免申請；

（d） 指認受上文第 12 段規定措施約束的個人和實體，審議根據上文第 13 段提出的豁免申請；

（e） 制訂必要準則，以便於執行上述措施；

（f） 在 60 天內向安全理事會報告工作，此後在委員會認為必要時提出報告；

（g） 鼓勵委員會與有關會員國對話，特別是與該區域的會員國對話，包括邀請這些國家的代表與委員會舉行會議，討論各項措施的執行情況；

（h） 向所有會員國索取它認為有用的任何信息，以了解會員國為切實執行所定措施而採取的行動；

（i） 審查關於違反或不遵守本決議所列措施的指控的信息，並採取適當行動；

17. 促請所有會員國在本決議通過後 90 天內，向委員會報告它們採取了哪些步驟來有效執行本決議第 9 和 12 段；

18. 請秘書長與委員會協商設立一個至多由 5 名專家組成、接受委員會指導的小組（“專家小組”），最初任期為本決議通過後十三個月，並作出必要的財政和安保安排，支持專家小組的工作，表示打算至遲於 2016 年 3 月 2 日考慮延長這一任期，並決定專家小組應執行以下任務：

（a）協助委員會執行本決議規定的任務，包括為委員會提供相關信息，以用於指認可能參與上文第 6 和 7 段所述活動的個人和實體；

（b）收集、審查和分析有關本決議所定措施執行情況的資料，尤其是不遵守決議的事件，特別注重下文第 21 和 22 段中概述的基準；

（c）收集、審查和分析有關向個人和實體供應、出售或轉讓軍火和有關物資以及相關軍事援助和其他援助、包括通過非法販運網絡從事這些活動、從而破壞達成最終和平協議的政治進程的信息，或是有關參與違反國際人權法或國際人道主義法行為的信息；

（d）在 2015 年 9 月 1 日前，經與委員會討論後，向安理會提交一份中期報告，在 2016 年 2 月 1 日前提交一份最後報告，並在非提交報告的月份每月提供最新情況；

（e）協助委員會完善和更新受本決議規定措施限制的個人和實體名單中的信息，包括提供生物鑑別信息和公開公佈的列名理由簡述的增列信息；

19. **敦促**所有各方和所有會員國以及國際、區域和次區域組織確保與專家小組合作，**還敦促**所有有關會員國確保專家小組成員的安全和不受阻礙的進出，尤其是確保他們為執行專家小組的任務不受阻礙地接觸有關的人、文件和地點；

20. **請**秘書長負責兒童與武裝衝突問題特別代表和負責衝突中性暴力問題特別代表根據第 1960(2010)號決議第 7 段和第 1998(2011)號決議第 9 段，同委員會分享相關信息；

審查

21. **表示**打算在伊加特商定的 2015 年 3 月 5 日這一最後期限之後、又在 2015 年 4 月 1 日按設想開始過渡前時期之後以及其後視需要每隔 60 天或更頻繁地審視那裏的局勢，**又表示打算**實施任何與屆時局勢相稱的制裁，其中可包括武器禁運和指認應對威脅到南蘇丹和平、安全或穩定的行動和政策負責的高層人員，以鼓勵南蘇丹政府和反對派組建一個民族團結過渡政府，採取有效和全面的步驟，使直接或間接控制下的部隊停止軍事行動、暴力行為和侵犯人權行為，並便利人道主義援助的暢通；

22. **還申明**安理會應根據和平、問責與和解進程取得的進展情況，根據各方承諾的履行情況，包括《停止敵對行動協定》和本決議序言部分具體列明的其他承諾的履行情況及本決議遵守情況，隨時視需要調整本決議所載各項措施，包括增加措施以期強化，以及修改、暫停或解除這些措施；

23. **決定**繼續審議此案。

Resolution 2206 (2015)

Adopted by the Security Council at its 7396th meeting, on
3 March 2015

The Security Council,

Recalling its previous resolutions and statements on South Sudan, in particular resolutions 2057 (2012), 2109 (2013), 2132 (2013), 2155 (2014) and 2187 (2014),

Expressing grave alarm and concern regarding the conflict between the Government of the Republic of South Sudan and opposition forces since December 2013 which emanated from internal political disputes among the country's political and military leaders,

Deeply concerned that the conflict has resulted in great human suffering, including significant loss of life, displacement of two million people, and the loss of property, further impoverishing and disadvantaging the people of South Sudan,

Strongly condemning past and ongoing human rights violations and abuses and violations of international humanitarian law, including those involving targeted killings of civilians, ethnically-targeted violence, extrajudicial killings, rape, and other forms of sexual and gender-based violence, recruitment and use of children in armed conflict, abductions, enforced disappearances, arbitrary arrests and detention, violence aimed at spreading terror among the civilian population, and attacks on schools, places of worship and hospitals, as well as United Nations and associated peacekeeping personnel and objects, by all parties, including armed groups and national security forces, as well as the incitement to commit such abuses and violations, *further condemning* harassment and targeting of civil society, humanitarian personnel and journalists, and *emphasizing* that those responsible for violations of international humanitarian law and violations and abuses of human rights must be held accountable, and that the Government of South Sudan bears the primary responsibility to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity,

Expressing deep concern over the large-scale displacement of persons and deepening humanitarian crisis, *stressing* the responsibility borne by all parties to the conflict for the suffering of the people of South Sudan, and the necessity of ensuring that the basic needs of the population are met, *commending* United Nations humanitarian agencies and partners for their efforts to provide urgent and coordinated support to the population, *calling upon* all parties to the conflict to

allow and facilitate, in accordance with relevant provisions of international law and United Nations guiding principles of humanitarian assistance, the full, safe, and unhindered access of relief personnel, equipment and supplies to all those in need and the timely delivery of humanitarian assistance, in particular to internally displaced persons and refugees, *condemning* all attacks against humanitarian personnel and facilities and *recalling* that attacks against humanitarian personnel and depriving civilians of objects indispensable to their survival may amount to violations of international humanitarian law,

Commending the Intergovernmental Authority on Development (IGAD) Ministerial Group's initiative, as supported by the United Nations and African Union, in establishing a forum for political and security dialogue, and *expecting* all parties to participate in this process and respect the decisions reached by IGAD Assembly of Heads of State and Government on 13 March 2014,

Welcoming the IGAD-mediated commitments made to resolve the crisis in South Sudan, namely the 23 January 2014 Cessation of Hostilities Agreement; 9 May 2014 Agreement to Resolve the Crisis in South Sudan; and the 1 February 2015 Areas of Agreement of the Establishment of the Transitional Government of National Unity (TGoNU) in the Republic of South Sudan,

Welcoming the resolve indicated in the IGAD Assembly of Heads of State and Government Communiqué of 10 June 2014 and 25 August 2014 that IGAD Member States will take further collective action, including through the imposition of punitive measures, to pressure any party that fails to honour its commitments to date or acts contrary to the Communiqué of that Assembly,

Welcoming the Communiqué of the African Union Peace and Security Council (AU PSC) of 12 June 2014, which, *inter alia*, reiterated the readiness of that Council, upon recommendation by IGAD, to immediately pursue targeted sanctions and other measures against any party that continues to undermine the search for a solution to the conflict and fails to honour its commitments,

Welcoming further the Communiqué of the AU PSC of 17 September 2014 which, *inter alia*, reiterated its determination, in coordination with IGAD, to take the necessary measures against any party that fails to honour its commitments and continues to undermine the search for a negotiated solution to the current crisis,

Strongly condemning the Government of the Republic of South Sudan and the Sudan People's Liberation Movement (SPLM) — in Opposition for failing to reach agreement to form a transitional government within the 60-day period outlined in the 26th Communiqué of 10 June 2014,

Taking note of the Communiqué of the 27th Extraordinary Session of the IGAD Assembly of Heads of State and Government in Addis Ababa on 25 August 2014, which *inter alia*: deplored the numerous violations of the agreements signed by the Parties to date, reiterated the need for an inclusive and broad-based approach to negotiations; expressed serious concerns over the worsening humanitarian situation in South Sudan; and called upon the stakeholders to negotiate and complete the agreement on a Transitional Government of National Unity within 45 days,

Taking note of the Communiqué of the 28th Extraordinary Session of the IGAD Assembly of Heads of State and Government in Addis Ababa on 7 November

2014, which inter alia: resolved that the Government of South Sudan and opposition forces commit to an unconditional, complete and immediate end to all hostilities; invited collective action by the States of the IGAD region to enact asset freezes and travel bans within the region, and denied the supply of arms and ammunition and any other material that could be used in war if the Government of South Sudan and opposition forces commit any violation of the cessation of hostilities; and called on the AU PSC, the United Nations Security Council, and the international community to render all possible assistance in the implementation of these measures, should it be necessary to implement these measures,

Taking note of the 21 January 2015 Agreement on the Reunification of the SPLM, agreed under the aegis of the Government of the United Republic of Tanzania, and 16 February 2015 Communiqué of the Meeting of the SPLM Tripartite Committee on the Implementation of Phase I of the Arusha SPLM Reunification Agreement,

Taking note of the AU PSC Communiqués dated 5 December 2014 and 29 January 2015 which, inter alia, stressed that sanctions will be imposed against all parties that continue to obstruct the political process and undermine the Cessation of Hostilities Agreement of 23 January 2014,

Welcoming the China-mediated "Five-Point Plan" agreed upon by the representatives of the GRSS and the SPLM/A- in Opposition during the Special Consultation in Support of IGAD-led South Sudan Peace Process convened on 12 January in Khartoum, namely: (i) earnestly commit to the full implementation of all signed agreements; (ii) speed up the pace of negotiations towards the formation of a transitional government at an early date; (iii) take concrete steps to relieve the humanitarian situation in conflict-affected areas, and facilitate access of international humanitarian assistance; (iv) ensure the safety of all personnel and assets of all countries and international entities operating in South Sudan; and (v) provide strong support for and take active part in the IGAD-led mediation efforts, and, in this regard, *strongly urging* both parties to immediately implement the Five-Point Plan,

Expressing its deep appreciation for the actions taken by the United Nations Mission in South Sudan (UNMISS) peacekeepers and troop- and police-contributing countries to protect civilians, including foreign nationals, under threat of physical violence and to stabilize the security situation,

Recognizing the importance of independent and public human rights monitoring, investigation and reporting for its useful role in laying the groundwork for justice, accountability, reconciliation and healing among all South Sudanese communities,

Taking note with interest of the 21 February 2014 UNMISS Interim Human Rights report, and 8 May 2014 UNMISS "Conflict in South Sudan: A Human Rights Report," and the 19 December 2014 UNMISS "Special Report: Attack on Bentiu, Unity State, 29 October 2014," 29 October 2014 UNMISS "Special Report: Attack on Bentiu, Unity State" and the 9 January 2015 UNMISS Report on "Attacks on Civilians in Bentiu & Bor",

Expressing grave concern that, according to the UNMISS 8 May 2014 "Conflict in South Sudan: A Human Rights Report" there are reasonable grounds to believe that crimes against humanity, including extrajudicial killings, rape and other

acts of sexual violence, enforced disappearances, and arbitrary detention have been committed by both government and opposition forces, and that war crimes have been committed, and, stressing the urgent and imperative need to end impunity in South Sudan and to bring to justice perpetrators of such crimes,

Stressing the importance of accountability, reconciliation, and healing as prominent elements of a transitional agenda while taking note of the important role international investigations, and where appropriate, prosecutions can play with respect to holding those responsible for war crimes and crimes against humanity,

Recognizing the work of the African Union Commission of Inquiry (AU COI) in investigating and documenting violations as well as abuses of international human rights law and international humanitarian law in South Sudan, *anticipating with interest* its findings and recommendations, *encouraging* the public release of its final report as soon as possible, and *welcoming* the further engagement of the African Union to ensure justice and accountability, as well as healing and reconciliation for South Sudan,

Strongly condemning the use of media to broadcast hate speech and transmit messages instigating sexual violence against a particular ethnic group, which has the potential to play a significant role in promoting mass violence and exacerbating conflict, and *calling on* the Government of the Republic of South Sudan to take appropriate measures to address such activity, and further *urging* all parties to desist from these actions and instead contribute to promoting peace and reconciliation among the communities,

Recognizing the important role played by civil society organizations, faith leaders, women, and youth in South Sudan, *underscoring* the importance of their participation — along with the former SPLM detainees and other political parties — to finding a sustainable solution to the crisis in the country, and *concerned* by efforts by the government to limit such participation including by preventing individuals from travelling to join the talks and by increased restrictions of freedom of expression,

Reaffirming all its relevant resolutions on women, peace, and security, on children and armed conflict, and the protection of civilians in armed conflict, as well as resolutions 1502 (2003) on the protection of humanitarian and United Nations personnel, resolution 2150 (2014) on the Prevention and Fight against Genocide, and resolution 2151 (2014) on security sector reform,

Recalling resolutions 1209 (1998) and 2117 (2013) and *expressing grave concern* at the threat to peace and security in South Sudan arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons and *emphasizing* the importance of strengthening efforts to combat the illicit circulation of such weapons,

Expressing deep concern at persistent restrictions placed upon the movement and operations of UNMISS, *strongly condemning* the attacks by government and opposition forces and other groups on United Nations and IGAD personnel and facilities, the detentions and kidnappings of United Nations and associated personnel and *calling upon* the Government of South Sudan to complete its investigations of these attacks in a swift and thorough manner and to hold those responsible to account,

Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region,

Acting under Article 41 of Chapter VII of the Charter of the United Nations,

1. *Endorses* the Cessation of Hostilities Agreements (“CoH Agreements”) accepted and signed by the Government of the Republic of South Sudan and SPLM — in Opposition on 23 January 2014, 6 May 2014 and 9 May 2014;

2. *Expresses deep concern* at the failures of both parties to honour their commitments to date, to engage the peace process meaningfully toward political resolution of the crisis and to bring an end to the violence and, in particular, *condemns* the continued and flagrant violations of the CoH Agreements as documented by the IGAD Monitoring and Verification Mechanism;

3. *Demands* that the parties respect all aspects of the CoH Agreements and immediately implement the necessary modalities in accordance with the 9 May 2014 Agreement and other relevant Agreements, including the progressive withdrawal of foreign forces deployed in South Sudan since 15 December 2013, *calls upon* all parties to armed conflict in South Sudan to issue clear orders prohibiting all violations of international humanitarian law and human rights violations and abuses, and *underscores* the necessity for all parties to ensure immediate access to humanitarian agencies and further *demands* that the parties commit to finding a comprehensive agreement without further delay;

4. *Reiterates* that there is no military solution to the conflict;

Sanctions Designation Criteria

5. *Underscores* its willingness to impose targeted sanctions in order to support the search for an inclusive and sustainable peace in South Sudan;

6. *Decides* that the provisions of paragraph 9 shall apply to individuals, and that the provisions of paragraph 12 shall apply to individuals and entities, as designated for such measures by the Committee established pursuant to paragraph 16 of this resolution (“the Committee”) pursuant to paragraphs 16 (c) and 16 (d), respectively, as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan;

7. *Underscores* that such actions or policies as described in paragraph 6 above may include, but are not limited to:

(a) Actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Cessation of Hostilities Agreement;

(b) Actions or policies that threaten transitional agreements or undermine the political process in South Sudan;

(c) Planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in South Sudan;

(d) The targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other

sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law;

(e) The use or recruitment of children by armed groups or armed forces in the context of the armed conflict in South Sudan;

(f) The obstruction of the activities of international peacekeeping, diplomatic, or humanitarian missions in South Sudan, including IGAD's Monitoring and Verification Mechanism or of the delivery or distribution of, or access to, humanitarian assistance;

(g) Attacks against United Nations missions, international security presences, or other peacekeeping operations, or humanitarian personnel; or

(h) Acting for or on behalf of, directly or indirectly, an individual or entity designated by the Committee;

8. *Decides* that the provisions of paragraphs 9 and 12 shall apply to individuals, as designated for such measures by the Committee who are leaders of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7 above;

Travel Ban

9. *Decides* that, for an initial period of one year from the date of adoption of this resolution, all Member States shall take the necessary measures to prevent the entry into or transit through their territories of any individuals who may be designated by the Committee, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

10. *Notes* that designated individuals may have multiple nationalities or passports, *expresses* its concern that travel between the two States of which a designated individual has nationality or a passport may undermine the objectives of the travel ban imposed in paragraph 9, and *requests* that the Panel of Experts established in paragraph 18 of this resolution (the "Panel of Experts") report to the Committee information about such travel;

11. *Decides* that the measures imposed by paragraph 9 above shall not apply:

(a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where entry or transit is necessary for the fulfilment of a judicial process;

(c) Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in South Sudan and stability in the region;

Asset Freeze

12. *Decides* that, for an initial period of one year from the date of adoption of this resolution, all Member States shall freeze without delay all funds, other

financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by any individuals or entities that may be designated by the Committee, or by any individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and *decides* further that all Member States shall for this initial period ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory;

13. *Decides* that the measures imposed by paragraph 12 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee;

(c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person designated by the Committee, and has been notified by the relevant State or Member States to the Committee;

14. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 12 above of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

15. *Decides* that the measures in paragraph 12 above shall not prevent a designated person from making payment due under a contract entered into prior to the listing of such a person, provided that the relevant States have determined that the payment is not directly or indirectly received by a person designated pursuant to paragraph 12 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten working days prior to such authorization;

Sanctions Committee/Panel of Experts

16. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein “the Committee”), to undertake the following tasks:

(a) To monitor implementation of the measures imposed by paragraphs 9 and 12 of this resolution with a view to strengthening, facilitating and improving implementation of these measures by Member States;

(b) To seek and review information regarding those individuals and entities who may be engaging in the acts described in paragraph 6 and 7 above;

(c) To designate individuals subject to the measures imposed by paragraph 9 above and to consider requests for exemptions in accordance with paragraph 11 above;

(d) To designate individuals and entities subject to the measures imposed by paragraph 12 above, and to consider requests for exemptions in paragraph 13 above;

(e) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

(f) To report within 60 days to the Security Council on its work and thereafter to report as deemed necessary by the Committee;

(g) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

(h) To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed; and,

(i) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution;

17. *Calls upon* all Member States to report to the Committee ninety days from the adoption of this resolution on the steps they have taken to implement effectively paragraphs 9 and 12 of this resolution;

18. *Requests* the Secretary-General to create for an initial period, thirteen months from the adoption of this resolution, in consultation with the Committee, a group of up to five experts (“Panel of Experts”), under the direction of the Committee, and to make the necessary financial and security arrangements to support the work of the Panel, *expresses* its intent to consider the renewal of this mandate no later than March 2, 2016, and *decides* that the Panel shall carry out the following tasks:

(a) Assist the Committee in carrying out its mandate as specified in this resolution, including through providing the Committee with information relevant to the potential designation of individuals and entities who may be engaging in the activities described in paragraphs 6 and 7 above;

(b) Gather, examine and analyse information regarding the implementation of the measures decided in this resolution, in particular incidents of

non-compliance, with particular focus on the benchmarks outlined in paragraphs 21 and 22 below;

(c) Gather, examine and analyse information regarding the supply, sale or transfer of arms and related materiel and related military or other assistance, including through illicit trafficking networks, to individuals and entities undermining political processes to reach a final peace agreement or participating in acts that violate international human rights law or international humanitarian law, as applicable;

(d) Provide to the Council, after discussion with the Committee, an interim report by September 1, 2015, a final report by February 1, 2016, and except in the months when these reports are due, updates each month; and,

(e) Assist the Committee in refining and updating information on the list of individuals and entities subject to the measures imposed by this resolution, including through the provision of identifying information and additional information for the publicly-available narrative summary of reasons for listing;

19. *Urges* all parties and all Member States, as well as international, regional and subregional organizations to ensure cooperation with the Panel of Experts and *further urges* all Member States involved to ensure the safety of the members of the Panel of Experts and unhindered access, in particular to persons, documents and sites in order for the Panel of Experts to execute its mandate;

20. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative for Sexual Violence in Conflict to share relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010) and paragraph 9 of resolution 1998 (2011);

Review

21. *Expresses* its intent to review the situation after the IGAD-agreed deadline of March 5, 2015, and again after the envisioned start of the Pre-Transition Period on April 1, 2015, and at 60-day intervals thereafter or more frequently, as needed, and also expresses its intent to impose any sanctions that may then be appropriate to respond to the situation, which may include an arms embargo and the designation of senior individuals responsible for actions or policies that threaten the peace, security or stability of South Sudan, so as to encourage the Government of South Sudan and opposition forces to form a transitional government of national unity, take effective and comprehensive steps to cause forces under direct or indirect control to cease military operations, acts of violence, as well as violations of human rights, and enable full access for humanitarian assistance;

22. *Affirms* also that it shall be prepared to adjust the measures contained in this resolution, including by strengthening through additional measures, as well as modification, suspension or lifting of the measures, as may be needed at any time in light of the progress achieved in the peace, accountability, and reconciliation process, and in light of the implementation of the parties' commitments, including the Cessation of Hostilities Agreement and other commitments specified in the preamble of this resolution, and compliance with this resolution;

23. *Decides* to remain seized of the matter.